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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Panama

1. The Committee considered the tenth, twelfth, thirteenth and fourteenth periodic reports of Panama, submitted in a single document (CERD/C/299/Add.1), at its 1208th meeting (CERD/C/SR.1208), on 18 March 1997. At its 1213th meeting, held on 21 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee notes with appreciation the State party's willingness to re-establish a dialogue with the Committee by sending a high-level delegation to present the report, which indicates the importance attached by the Government of Panama to its obligations under the Convention. The Committee regrets, however, that no report was submitted between 1986 and 1996 and that the report submitted does not cover adequately all the rights recognized under articles 2 to 7 of the Convention. The Committee nevertheless expresses its appreciation for the frank dialogue with a competent delegation and for the answers given orally to the wide range of questions asked by its members.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee is aware that Panama is emerging from a period of serious political, social and economic difficulties. The Committee notes that substantial disparities in wealth between different ethnic groups of the population tend to affect the implementation of the Convention in the State party.

C. Positive aspects

4. The recent initiatives taken by the State party to promote and protect human rights, including those enumerated by the Convention, are welcomed. The work undertaken by the National Commission on Administrative Boundaries, which resulted in important negotiations and law reforms such as the enactment of the laws establishing the indigenous comarcas (territorial districts of the indigenous peoples) of Madugandi and Ngobe Bugle, is encouraging. The programmes and initiatives undertaken to protect immigrants and refugees during the period under review are also noted with interest.

5. The adoption in December 1996 of a law establishing an ombudsperson for Human Rights - *Defensor del Pueblo* - is welcomed.

6. The recent adoption and implementation of two training programmes on human rights for law enforcement personnel are welcomed. It is also noted that the Police Academy has for several years included human rights in its curricula.

7. Furthermore, it is noted that in 1995 the State party reformed its employment legislation to, inter alia, combat different forms of racial discrimination.

D. Principal subjects of concern

8. It is noted with concern that no complaints have been filed with the appropriate governmental bodies by individuals or groups during the last 10 years, despite reports that rights covered by the Convention were not fully respected.

9. Concern is expressed that some groups living in Panama, such as indigenous people and members of the black and Asian minorities, do not fully benefit from the rights recognized under the Convention.

10. Concern is also expressed that Panama has not fully complied with the obligations derived from article 4 of the Convention.

11. In the light of article 5 of the Convention, it is noted with concern that the issue of land rights of indigenous people has remained unsolved in a great majority of cases. These land rights seem also to be threatened by the mining activities which have been undertaken - with the approval of the central authorities - by foreign companies, and also by the development of tourism in these regions.

12. It is noted with concern that the legal status of the comarcas in relation to the provinces remains unclear.

13. It is noted with concern that the State party has presented information only on the right to work in its report under article 5 of the Convention. The State party is reminded that article 5 of the Convention also covers several other rights. Furthermore, no information on the implementation of article 6 of the Convention has been provided by the State party in its report.

14. While it is noted that the Canal Zone has a special legal status, it is viewed with concern that workers from Panama are not accorded the same rights as foreign workers employed in this special zone.

15. It is noted with regret that indigenous people have a low rate of participation in elections and are under-represented in the public service.

16. The lack of detailed and disaggregated statistical information on indigenous groups remains a concern, especially as it hampers the Committee's capacity to monitor the implementation of the rights enumerated by the Convention.

E. Suggestions and recommendations

17. The Committee recommends that the State party designate an appropriate body to coordinate and monitor programmes and policies designed to implement the Convention, as envisaged in its General Recommendation XVII.

18. The Committee recommends that the State party take the necessary measures to comply fully with the obligations of article 4 of the Convention.

19. The Committee suggests that the State party include in its next report information on complaints received and judgements issued in cases of racial discrimination.

20. The Committee suggests that the State party take all appropriate measures to disseminate the Convention widely and to translate it into appropriate languages for indigenous groups.

21. The Committee recommends that the State party continue the improvement of training of law enforcement officials in light of the Committee's General Recommendation XIII.

22. The Committee recommends that the State party take appropriate measures to allow full enjoyment by different groups of society, such as indigenous people or members of the black and Asian minorities, of the rights enumerated by the Convention. Special attention is drawn by the Committee to the implementation of the rights enumerated in article 5 (e) (3), (4) and (5) for those specific groups.

23. The Committee strongly recommends that the State party actively pursue its current efforts to implement fully the right of indigenous people to own property and land. It especially recommends that State party investigate and

monitor the impact of the work of mining companies, including foreign ones, as well as the impact of the current development of tourism, on the enjoyment of basic rights by indigenous peoples.

24. In relation to the legal status of the comarcas, the Committee suggests that the State party explain more precisely in its next report the status of the comarcas in comparison to the status of the provinces.

25. The Committee suggests that the State party take appropriate measures to enable indigenous persons to participate in elections and to provide them with equal access to employment in the public service.

26. The Committee also recommends that the State party include in its next report disaggregated data including information and socio-economic indicators on the demographic composition of its population.

27. With regard to the special status of the Canal Zone, the Committee recommends that the Government of Panama take appropriate measures to ensure that the rights enumerated by the Convention, especially article 5, are enjoyed equally by all residents and workers in that specific area.

28. Furthermore, the Committee encourages the State party to consider ratifying ILO Convention No. 169.

29. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States parties.

30. The Committee recommends that the State party's next periodic report be a comprehensive report and that it address all the points raised in the consideration of the present report.